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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

5 APR 1976

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

This is in response to your request for our views and recommendations on enrolled bill H.R. 8617, "To restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper solicitations, and for other purposes."

Enrolled bill H.R. 8617 would permit most Federal employees to participate in partisan political activity; however, it would permit employees of the Central Intelligence Agency, the Justice Department, and the Internal Revenue Service to engage in political activities only when the agency head determines that their activities would not adversely affect public confidence or the integrity of the Government. The Congress could disapprove determinations of any agency head.

It is recommended that the President veto H.R. 8617. While the Agency favors restrictions on the partisan political activities of Federal employees, it is believed that the selective application of such restrictions to three agencies is arbitrary. For example, the political activities of Federal employees in other Intelligence Community components with responsibilities similar to those of the Central Intelligence Agency are not restricted. In addition, the proposed legislation would impose on the agency head the burden of determining under a set of vague and inherently arbitrary standards which employees may engage in political activity. This would invite contention and litigation. Finally, by authorizing Congress to overturn an agency head's determination, the bill raises the question of the propriety of legislative veto of administrative decisions in the Executive branch.

For the foregoing reasons, the Central Intelligence Agency favors retaining existing law, which is more certain, clear and equitable than the proposed arrangement.

Sincerely,

SIGNED

George Bush
Director



Subject: DCI letter to James M. Frey, OMB, on enrolled bill H.R. 8617

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